

RESOLUTION NO. 1662

A RESOLUTION TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF GARDNER, KANSAS, THE PROPOSITION OF LEVYING A ONE-HALF OF ONE PERCENT (.5%) RETAILERS' SALES TAX IN THE CITY.

WHEREAS, K.S.A. 12-187(e) authorizes any class D city to submit the question of imposing an additional city retailers' sales tax and pledging the revenue received therefrom for economic development initiatives, strategic planning initiatives or for public infrastructure projects provided such tax shall expire no later than ten years from the date of imposition thereof;

WHEREAS, pursuant to K.S.A. 12-188, the city of Gardner, Kansas (the "City"), is a class D city;

WHEREAS, the Governing Body of the City finds and determines that it is necessary and desirable to improve the City's public infrastructure by improving the City's park system; and

WHEREAS, the Governing Body of the City finds and determines that it is advisable to submit to the qualified electors of the City the question of levying a retailers' sales tax in the amount of .5% for a period of 10 years in the City, such tax to be collected by the Kansas Department of Revenue with the revenue returned to the City to be used for improvements to the City's park system as described in the election proposition.

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

**Section 1.** An election shall be held in the matter prescribed by the Mail Ballot Election Act, K.S.A. 25-431 *et seq.*, on June 7, 2005, or on such other date mutually agreed to by the Governing Body of the City and the Election Commissioner of Johnson County, Kansas (the "Election Commissioner"), for the purpose of submitting to the qualified electors of the City, the question of levying an additional retailers' sales tax in the City, in the amount of one-half of one percent (.5%) to be used for the purpose of paying the cost of improvements to the City's park system as described in the election proposition for a period of not to exceed ten years.

**Section 2.** If approved by a majority of the electors voting on the question, such tax shall be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue and the services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax, all in accordance with K.S.A. 12-189.

**Section 3.** The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

Shall a retailers' sales tax in the amount of one-half of one percent (.5%) be levied in the city of Gardner, KS (the "City"), for the purpose of:

- (a) renovations and expansion of the Gardner swimming pool to include, but not limited to, the development of zero depth entry, water slides, lazy river, in water play features, spray grounds, tot pool, concession stand, group party structure, and shade structures;
- (b) development of a new community park to include, but not limited to, baseball and softball fields, soccer and football fields, playground equipment, concession facilities, parking, passive open space; and
- (c) all things related and necessary to such projects;

provided that, such retailers' sales tax shall be levied for a period not to exceed ten years from the date of its inception, all pursuant to K.S.A. 12-187 et seq.

**Section 4.** The City Clerk is authorized and directed to deliver this resolution, which shall serve as the City's request for a mail ballot election, and a notice of the election to the Election Commissioner, who is directed to give notice of the mail ballot election, as provided by law. The vote at the election shall be by mail ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law.

**Section 5.** This resolution shall take effect from and after its adoption by the Governing Body of the City.

ADOPTED February 21, 2005.

CITY OF GARDNER, KANSAS

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## NOTICE OF BOND ELECTION

Notice is given to the qualified electors of the city of Gardner, Kansas (the "City"), that an election has been called and will be held on June 7, 2005, for the purpose of submitting to the electors of the City the following question:

Shall the following be adopted?

Shall a retailers' sales tax in the amount of one-half of one percent (.5%) be levied in the city of Gardner, KS (the "City"), for the purpose of:

- (a) renovations and expansion of the Gardner swimming pool to include, but not limited to, the development of zero depth entry, water slides, lazy river, in water play features, spray grounds, tot pool, concession stand, group party structure, and shade structures;
- (b) development of a new community park to include, but not limited to, baseball and softball fields, soccer and football fields, playground equipment, concession facilities, parking, passive open space; and
- (c) all things related and necessary to such projects;

provided that, such retailers' sales tax shall be levied for a period not to exceed ten years from the date of its inception, all pursuant to K.S.A. 12-187 et seq.

The election will be conducted in accordance with the mail ballot election act, K.S.A. 25-431 *et seq.* (the "Act"). The Act provides that the Election Commissioner of Johnson County, Kansas (the "Election Commissioner") shall conduct the election by mailing an official ballot to each elector entitled to vote in the election not sooner than the 20<sup>th</sup> day before the date of the election and not later than the 10<sup>th</sup> day before the election. Ballots will be mailed by first-class mail, addressed to the address of each elector appearing in the registration records and placed in an envelope which is prominently marketed "Do Not Forward." Instructions on how to mark the ballot to vote either for or against the proposition submitted thereon will accompany the ballots, together with a stamped, addressed return identification envelope in which the marked ballot must be placed.

By order of the Election Commissioner of Johnson County, Kansas, whose election headquarters are located at 2101 E. Kansas City Road, Olathe, Kansas 66061-3007.

Dated \_\_\_\_\_, 2005.

/s/  
Election Commissioner of Johnson County, Kansas